

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION

Reginald Evans,) C/A No.: 0:15-3521-JFA-SVH
)
 Plaintiff,)
)
 vs.)
) ORDER
 Land Star Transportation Logistic, Inc.,)
)
 Defendant.)
)

This matter comes before the court on the motion of Land Star Transportation Logistic, Inc. (“Defendant”) to compel Reginald Evans (“Plaintiff”) to produce substantive responses to Defendant’s First Set of Requests for Production served on November 30, 2015. [ECF No. 37].

Defendant filed its first motion to compel on February 5, 2016, indicating that the responses were due and had not been received. [ECF No. 28]. On February 8, 2016, the undersigned issued an order granting Defendant’s first motion to compel and directing Plaintiff to provide responses by February 18, 2016. [ECF No. 30]. The order also noted that Plaintiff had waived his right to object to the discovery requests. *Id.* The order was also mailed to Plaintiff on February 8, 2016. [ECF No. 32]. On February 9, 2016, the Clerk’s office docketed Plaintiff’s answers to Defendant’s discovery requests, which consisted entirely of objections. [ECF No. 33]. A review of the envelope reveals that the document was mailed to the court by certified mail on February 6, 2016, and received by the court on

February 8, 2016. [ECF No. 33-1]. Therefore, Plaintiff's objections crossed in the mail with the undersigned's order.

On February 11, 2016, Defendant filed the instant second motion to compel, requesting Plaintiff provide substantive answers to Plaintiff's discovery requests. [ECF No. 37]. The undersigned notes that Plaintiff has previously been directed to provide substantive answers to Defendant's discovery requests by February 18, 2016, and has been advised that he has waived any objections. Plaintiff's intervening filings have not altered the order of this court. Therefore, Defendant's second motion to compel is deemed moot. Plaintiff remains responsible for providing substantive discovery responses by February 18, 2016. Plaintiff is advised that failure to comply with the court's order may result in a recommendation that his case be dismissed for failure to participate in discovery and/or sanctions.

IT IS SO ORDERED.



February 12, 2016
Columbia, South Carolina

Shiva V. Hodges
United States Magistrate Judge